

REMARKS

By this Amendment, Claims 1, 2 and 7 have been canceled, Claims 3-6 have been amended to incorporate the limitations of the original base claim, to correct certain claim informalities and to more particularly point out and distinctly claim the invention, and Claim 8 has been added to more particularly point out and distinctly claim the invention.

In the June 3, 2005 Office Action, the Examiner rejected Claims 1-7 as anticipated by U.S. Patent Publication No. 2002/0097282 to Maltseff ("the '282 Publication").

The '282 Publication discloses a method and apparatus for use in tracking tax payment information. As shown in Fig. 2, in an embodiment, RFID tag 30 stores a unique identifier and optionally additional tax related information. (¶ 0030, lines 10-11). An interrogator 28 communicates with RFID tag 30 and with a computer 20 having a local tax database 36 via transceiver 34. Computer 20 is linked to a central computer 24 having a central tax database 18. In operation, tax information collected by interrogator 28 is loaded to local tax database 36 and then to central tax database. As shown in Fig. 3, RFID tag 30 may be secured to a bottle of distilled spirits 40. As shown in Fig. 4, among the information stored in RFID tag 30 is a unique identifier and information about whether the tax has been paid for a particular jurisdiction (¶ 35, lines 1-15).

The invention claimed in the instant application, as amended, is addressed to the specific embodiments of tracking the payment of taxes using RFID tags as disclosed in the drawings. Although the '282 Publication discloses the broad concept of tracking payment of taxes using RFID tags, it does not disclose the specific structures claimed in Claims 3-6 of the instant application, as amended. In particular, the '282 Patent does

not disclose the engagement member of Claim 3, the second interconnection means of Claim 4 or the ratcheting means of Claims 5 and 6.

In the Office Action, the Examiner cited to a description of the paper tax stamp installed on bottle of spirits as corresponding to the engagement member of Claim 3. However, the paper tax stamp is clearly different from the engagement member of Claim 3 which interconnects the substrate of the radio frequency identification tag mounted on an inner surface of the cap with the container.

Furthermore, the Examiner cites to paragraph 32 of the '282 Publication in support of the rejection of Claims 4-6:

FIG. 3 shows a number of taxable items or taxable goods 38. For example, the goods may include a bottle of distilled spirits 40, a package of cigarettes 42, an article of clothing such as a fur coat 44, a bottle of perfume 46, an automobile 48 or a yacht 50. In each case a machine readable symbol 14 or RFID tag 30 is secured to the taxable good 38. In some instances, for example the bottle of distilled spirits 40 and the package of cigarettes 42, the RFID tag 30 or machine readable symbol 14 covers the opening of the packaging. This ensures the destruction of the RFID tag 30 or machine readable symbol 14 upon the opening of the bottle 40 or package 42. Destruction of the RFID tag 30 or machine readable symbol 14 prevents the packaging from being refilled in an attempt to avoid payment of the appropriate taxes.

(¶ 32, '282 Publication). However, this paragraph does not disclose the second interconnection means of Claim 4 or the ratcheting means of Claims 5 and 6. As a result, since the '282 Publication does not disclose each and every limitation of Claims 3-6, it does not render Claims 3-6 unpatentable as anticipated. As a result, Applicants respectfully request the withdrawal of the rejection of Claims 3-6.

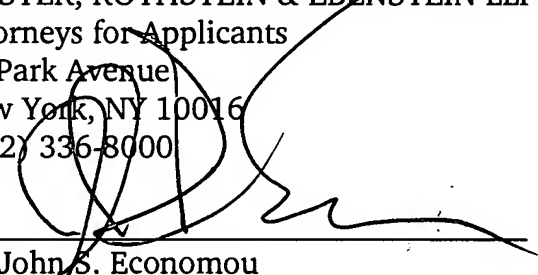
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For all the reasons discussed above, Applicants respectfully submit that the present application is in condition for allowance, and request the allowance of Claims 3-6. Enclosed with this Amendment is an Amster, Rothstein & Ebenstein check in the amount of \$160 for the \$60 small entity fee for a one month extension of time and for the \$100 small entity fee for an extra independent claim. No other fees are believed to be necessary for the entry of this Amendment. However, authorization is given hereby to charge any fees necessary to preserve the pendency of the subject application to Deposit Account No. 01-1785.

Respectfully submitted

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